

REMARKS

Attachments

A copy (with the exception of hand-written identifying information) of the written description as filed of ancestral application number 08/479,171 filed 7 June 1995 is attached.

A copy of the definition of “primarily” from Merriam-Webster online is attached.

A copy of the text of Kazemzadeh with the words “cellulose” and “paper” bolded is attached.

Summary of amendments and support

Claim 25 has been amended to recite “a consolidated core consisting essentially of ground up cellulose”. The amendment is supported at page 4, lines 20-24 of the instant application as filed, and is fairly supported at page 5, lines 11-13 of ancestral application 08/479,171. Also see page 9, lines 3-4, and page 9, lines 19- 24 of application 08/479,171.

Claim 26 has been amended to recite “at least 50 percent by weight of the ground up cellulose is in the form of comminuted paper particles aggregated together”. The “50 percent” limitation is fairly supported by the previous recitation of “primarily” in view of accepted definitions, such as “for the most part”. See the attached definition from Merriam-Webster online. “Paper is supported at page 3, lines 20-21 of the instant specification. The limitation “particles aggregated together” is fairly supported by the phrase “aggregates of cellulose-containing particles” which is present several times in the present specification, for example, at page 2, lines 25-26.

“Comminuted” is supported at page 9, lines 16-24 of ancestral application 08/479,171 and at page 6, line 20 of the instant application.

Claim 27 has been amended to recite “pellet or briquette has a circular, square, or flattened cross section”. Support for the limitation is at page 5, lines 24-26 of the application as filed, and at page 6, lines 16-17 of application number 08/479,171.

Claim 27 has been further amended to recite "on an outer surface of the pellet or briquette". The limitation is fairly supported at page 12, lines 26-27 of the specification as filed.

Claim 28 is amended to recite that the seeds are present in an amount "in the range of 1 to 10 weight percent". The limitation is supported at page 15, lines 1-3 of the specification as filed.

Claims 16, 18 and 20 are amended to provide antecedent basis to remain in condition for rejoinder.

Claims 1-29 remain pending. Claims 1-24 stand withdrawn from consideration by a final restriction requirement. Claims 16-21 remain in condition for rejoinder. Claims 25-29 stand rejected.

The restriction requirement

The restriction requirement, which was traversed, has been repeated and made final. Claims 25-29 (Group VI) are under examination. Claims 16-21 (Group III) are in condition for rejoinder.

Rejections under 35 USC 112

Claims 25-29 stand rejected under 35 USC 112, second paragraph, on the basis of indefiniteness in the phrase "primarily ground up. . .". The basis is stated as "is cellulose the primary core material, what else is present? Or is the cellulose ground up, but then secondarily treated; or is some, but not all cellulose ground up?" The rejection is traversed, but is submitted to be obviated by the present amendment.

As amended, claims 25 recites: "a consolidated core consisting essentially of ground up cellulose". The question "what else may be present" is thereby negated. In answer to the question "or is the cellulose ground up, but then secondarily treated, or is some but not all of the cellulose ground up?" the claim as amended requires that the core be consolidated, and that all of the cellulose be ground up. Reconsideration and withdrawal of the 35 USC 112 rejection in view of the

amendment is requested.

Rejections under 35 USC 102(b)/35 USC 103(a)

Claims 25-29 stand rejected under 35 USC 102(b) for anticipation over Kazemzadeh, US 6,009,663, issued January 4, 2000 or alternatively, under 35 USC 103(a) for obviousness over Kazemzadeh.

Kazemzadeh has an effective date for patentability defeating purposes of March 14, 1997. Ancestral application 08/479,171 has an effective date for prior art defeating purposes of June 7, 1995.

Claim 25 has been amended to recite "a consolidated core consisting essentially of ground up cellulose". A text copy of Kazemzadeh is attached, with each occurrence of the words "cellulose" and "paper" appearing in bold. Kazemzadeh is silent as to grinding paper or cellulose. Additionally, the just pointed out distinguishing limitation is fairly supported by ancestral application 08/479,171, which predates the effective date of Kazemzadeh. Reconsideration and withdrawal of the 35 USC 102(b)/35 USC 103(a) rejections is therefore requested.

Claim 26 is amended to recite that "at least 50 percent by weight of the ground up cellulose is in the form of comminuted paper particles aggregated together". Kazemzadeh is silent as to the amounts of paper in his pelleted product and whether it is present in comminuted form. Additionally, "comminuted" is fairly supported by ancestral application 08/479,171, which predates Kazemzadeh. Reconsideration and withdrawal of the 35 USC 102(b)/35 USC 103(a) rejections of claim 26 is therefore requested.

Claim 27 has been amended to recite that the pellet or briquette have a "circular, square or flattened cross section". This recitation distinguishes Kazemzadeh and is taken from ancestral application 08/479,171. Additionally, Kazemzadeh teaches against such configurations, which would not protect the seeds from impact damage. Reconsideration and withdrawal of the 35 USC

102(b)/35 USC 103(a) rejections of claim 27 is is therefore requested.

Claims 28 and 29 distinguish the disclosure of Kazemzadeh on the basis of the recitations pointed out above in the claims from which they depend.

Conclusion

In view of the foregoing amendments and remarks, reconsideration and withdrawal of all grounds of rejection, rejoinder of claims 16-21, and an indication of allowability is requested.

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primarily

One entry found for **primarily**.

Main Entry: **pri-mar-i-ly** 4)

Pronunciation: prĭ-'mer-&-lē also pr&- , chiefly British 'prĭ-m&r-&-lē

Function: *adverb*

1 : for the most part : CHIEFLY <has now become *primarily* a residential town -- S.

P. B. Mais>

2 : in the first place : ORIGINALLY

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